

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-185656

DATE: June 30, 1976

MATTER OF: Huling Rent-A-Car

61054

98371

DIGEST:

Protest that low bidder is not responsible will not be reviewed by GAO absent showing of fraud or that solicitation contains definitive criteria for determining responsibility which allegedly have not been applied.

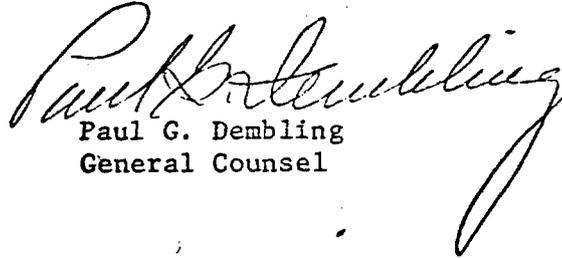
Huling Rent-A-Car (Huling) protests the awarding of a vehicle storage contract to Airways Rent-A-Car of Seattle (Airways), under solicitation No. 10PN-HRS-5951, issued by the Federal Supply Service, General Services Administration (GSA), Seattle, Washington. Bids were opened December 17, 1975. On December 29, 1975, award was made to Airways as the low bidder. In this connection, GSA reports that since Airways took no exceptions to the solicitation and had performed satisfactorily on previous contracts, the award (at an estimated contract value of \$6,960) was made to that firm.

By letter of January 5, 1976, Huling protested contending that Airways' facilities do not meet the detailed specifications stated in the solicitation. For example, Huling contends that Airways "lacks a restroom for the convenience of government travelers not in use by the general public as is required under paragraph b of the specifications." Similar contentions are made in connection with other requirements of the specifications, including loading and unloading space for use during inclement weather.

Since Airways "took no exceptions" to the terms and conditions of the solicitation, it is clear that Huling is questioning the agency's judgment that Airways is capable of performing the contract in accordance with the requirements of the solicitation. In other words, the protester is questioning GSA's affirmative determination of Airways' responsibility.

However, this Office no longer reviews bid protests concerning agency determinations of affirmative responsibility, except where fraud is alleged or where the solicitation contains definitive criteria for determining responsibility which allegedly have not been applied. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64.

Since fraud has not been alleged and it does not appear that definitive criteria for determining responsibility are involved, the protest is dismissed.



Paul G. Dembling
General Counsel